

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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|---------------------------|---|----------------------------|
| BRAD ALLEN DUNN, #1988053 | § | |
| VS. | § | CIVIL ACTION NO. 2:18cv403 |
| DIRECTOR, TDCJ-CID | § | |

ORDER OF DISMISSAL

Petitioner Brad Allen Dunn, a prisoner confined at the Michael Unit within the Texas Department of Criminal Justice proceeding *pro se*, filed this petition for writ of habeas corpus under 28 U.S.C. § 2254 challenging his Harrison County conviction and sentence. The cause of action was referred to United States Magistrate Judge Roy S. Payne for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

On May 2, 2021, Judge Payne issued a Report, (Dkt. #26), recommending that Petitioner's section 2254 habeas petition be denied and that the case be dismissed with prejudice. It also recommended that Petitioner be denied a certificate of appealability *sua sponte*. A copy of this Report was sent to Petitioner at his address. Petitioner has filed timely objections, (Dkt. #37). Petitioner's objections include hundreds of pages of exhibits which serve only to underscore the correctness of the Report and Recommendation. These objections lack merit.


The Court has conducted a careful *de novo* review of the record and the Magistrate Judge's proposed findings and recommendations. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Upon such *de novo* review, the Court has determined that the Report of the United States Magistrate Judge is correct and Petitioner's objections are without merit. Accordingly, it is

ORDERED that the Report and Recommendation of the United States Magistrate Judge, (Dkt. #26), is ADOPTED as the opinion of the Court. Petitioner's objections, (Dkt. #37), are OVERRULED.

It is also ORDERED that Petitioner's federal habeas petition is DENIED. The above-styled civil action is hereby DISMISSED WITH PREJUDICE. Petitioner is also DENIED a certificate of appealability sua sponte. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby DENIED.

So ORDERED and SIGNED this 2nd day of June, 2021.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE